

REMARKS

Summary of Office Action

The title stands objected to for not being descriptive.

Examiner's acknowledgement of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f) is noted.

Claims 1-9 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,349,192 to Yoshino *et al.* (hereinafter "Yoshino").

Claims 10 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshino in view of U.S. Patent No. 5,983,062 to Sameshima (hereinafter "Sameshima").

Summary of Amendment

Applicant has amended the title of the invention as suggested by the Examiner.

No amendment is currently made to the claims. Claims 1-14 are currently pending for further consideration.

The Rejection of Claims 1-9 and 11 under 35 U.S.C. § 102(b)

Claims 1-9 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshino. Claim 10 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Yoshino in view of Sameshima. Applicant respectfully traverses these rejections and the Office Action's interpretation of the applied references for the following reasons.

The Office Action describes Yoshino as teaching a "secondary transfer roller [that] is capable of being pulled out from the case." However, Yoshino's teaching is limited in that the secondary

transfer roller can be removed only after the intermediate transfer belt is spaced from all of the image carriers. Specifically, Yoshino states: “the secondary transfer portion has a position where it transfers images on to a recording material and a position where it is pulled out.” (Col. 20, lines 19-21). Furthermore, Yoshino only describes the second pullout unit as being used after the belt module is retracted. “[T]he first retracting unit retracts the belt module such that the belt-shaped intermediate body is spaced from all of the image carrying bodies after the secondary transfer module is retracted by the second retracting unit such that it is spaced from the backup roll.” (Col. 15, lines 59-64).

The teaching of Yoshino, therefore, is more closely identified as the related art described in the present application. Moreover, the Yoshino operation of removing the secondary transfer roller is different than Applicant’s invention as described by claim 1. Claim 1 of the present invention recites that the “contact member is capable of being pulled out from the case...where the endless belt is contacting the image carrier **or** where the endless belt is not contacting the image carrier.” In other words, the contact member is capable of being removed from the case regardless of the position of the image carrier.

Applicant respectfully submits that Yoshino does not teach at least the ability to remove the transfer member both “where the endless belt is contacting the image carrier **or** where the endless belt is not contacting the image carrier” as recited in independent claim 1.

Claim 7 also was rejected as being anticipated by Yoshino. For reasons similar to those stated above, Applicant respectfully traverses the rejection.

Claim 7 requires that “the second unit detaches the second member from the endless belt where image is not formed, and detaches it from the main body **independently** of the movement of the central unit.” By contrast, as mentioned above, Yoshino teaches removing the secondary transfer

unit **only after** the intermediate transfer belt is spaced from all of the image carriers.

Applicant respectfully submits that Yoshino does not teach at least a second unit detaching from the main body “**independently** of the movement of the central unit” as recited in claim 7.

As pointed out in MPEP §2131, “[t]o anticipate a claim, the reference must teach every element of the claim.” Thus, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).”

Accordingly, Applicant respectfully requests that the rejection of independent claims 1 and 7 under 35 U.S.C. § 102(b) be withdrawn because Yoshino fails to teach the removal of a second transfer member either when “the endless belt is contacting the image carrier **or** where the endless belt is not contacting the image carrier” as recited in independent claim 1 or “**independently** of the movement of the central unit” as recited in claim 7.

Furthermore, Applicant respectfully submits that dependent claims 2-6, 8, 9 and 11 are not anticipated by Yoshino for at least the same reasons as set forth above with regard to independent claims 1 and 7 upon which they respectively depend. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of claims 2-6, 8, 9 and 11 be withdrawn.

The Rejection of Claims 10 and 12-14 under 35 U.S.C. § 103(a)

Claims 10 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshino in view of Sameshima. Applicant traverses this rejection and the Office Action’s interpretation of the applied references for the following reasons.

The Office Action concedes that Yoshino fails to teach or suggest a driving force of the

secondary transport roller as recited in independent claim 12. Thus, the Office Action relies on Sameshima as disclosing “an image forming apparatus comprising a secondary transfer roller and a mechanism for transmitting a rotational driving force to the secondary transfer roller.” Applicant respectfully submits that Sameshima does not describe the rotational driving force to the secondary transfer roller capable of being applied in two separate positions. What it does describe is “using helical gears as the drive gear [], idler gear [] and driven gear [], [to create] a force for urging the secondary transfer roller [] toward one side [which] is generated to stabilize the axial position of the secondary transfer roller [].” In other words, Sameshima only teaches a way to stabilize an axial position. (Col. 17, lines 17-20).

In contrast, Applicant’s invention, as described by claim 12, recites a “second transfer member [that] moves with the intermediate transfer body in a direction which removes the intermediate transfer body from the image carrier, and the **second transfer member is capable of receiving a driving force from the main body before and after the movement.**” In other words, the present invention has a second transfer member that is able to receive a driving force in two separate positions.

Applicant respectfully submits that Sameshima does not teach at least the ability to have a “**second transfer member [that] is capable of receiving a driving force from the main body before and after the movement**” as recited in independent claim 12.

Applicant respectfully submits that, in light of the arguments presented above with regard to claim 12, Sameshima fails to cure the deficiencies of Yoshino. As pointed out in MPEP § 2143.03, “[to] establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).”

Accordingly, Applicant respectfully asserts that Sameshima and Yoshino, whether taken singly or in combination, do not teach or suggest each feature of independent claim 12.

Furthermore, Applicant respectfully submits that dependent claims 13 and 14 are not rendered obvious by Yoshino in view of Sameshima for at least the same reasons as set forth above with regard to independent claim 12 upon which they depend. Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims 13 and 14 be withdrawn.

Additionally, Applicant respectfully submits that in light of the arguments presented above with regard to claim 1, Sameshima fails to cure the deficiencies of Yoshino. Accordingly, Applicant respectfully asserts that Sameshima and Yoshino, whether taken singly or in combination, do not teach or suggest each feature of independent claim 1 upon which claim 10 depends.

Thus, Applicant respectfully submits that claims 10 and 12-14 are in condition for allowance as Yoshino in view of Sameshima does not render the claims obvious. Accordingly, Applicant respectfully requests that the rejection of claims 10 and 12-14 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

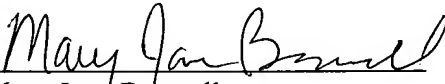
In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims 1-14. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 13, 2005

By: 
Mary Jane Boswell
Reg. No. 33,652

Customer No.: 009626
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Telephone: 202.739.3000
Facsimile: 202.739.3001